

## RESOLUTION NO. 6518

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, AND IN ITS CAPACITY AS THE SUCCESSOR AGENCY GOVERNING BOARD, APPROVING AMENDMENTS TO THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND CERTAIN RELATED ACTIONS**

**WHEREAS**, Part 1.85 of the Health and Safety Code (“Code”) (commencing with §34170) (“Dissolution Act”) dissolved the former Morgan Hill Redevelopment Agency (the “Former Agency”) and designated the City of Morgan Hill (“City”) as the Successor Agency for the Former Agency (“Successor Agency”).

**WHEREAS**, under the Dissolution Act, the Successor Agency must, among other statutory duties, perform the following duties relevant to this Agreement:

1. Continue making payments for and perform obligations under enforceable obligations;
2. Dispose of assets and properties of the Former Agency; and
3. Continue to oversee development of properties until the contracted work has been completed, including using bond proceeds for purposes for which the bonds were sold.

**WHEREAS**, as a result of the Supreme Court’s decision, on February 1, 2012, all redevelopment agencies are dissolved and successor agencies are designated as successor entities to the former redevelopment agencies. Pursuant to Health and Safety Code Section 34169, until successor agencies are authorized, redevelopment agencies must continue to make all scheduled payments for enforceable obligations as defined in Health and Safety Code Section 34167(a). Pursuant to Health and Safety Code Section 34167, redevelopment agencies shall not make a payment unless it is listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness.

**WHEREAS**, the Morgan Hill Redevelopment Agency (“Agency”) adopted Resolution No. MHRA-346 on August 24, 2011, adopting an Enforceable Obligation Payment Schedule (“Original EOPS”). In accordance with Health and Safety Code Section 34169, the Original EOPS only lists payments obligated to be made, by month, through December 2011.

**WHEREAS**, the Agency adopted Resolution No. MHRA-346B on January 25, 2012, amending the EOPS listing payments obligated to be made from January 1, 2012 through June 30, 2012.

**WHEREAS**, on March 21, 2012, the City of Morgan Hill acting as Successor Agency approved the Revised EOPS, titled “032112 EOPS” as set forth on Exhibit A attached to this Resolution and incorporated herein by reference.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, BOTH AS THE CITY COUNCIL AND AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY, HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Successor Agency and City hereby adopts the 032112 EOPS. The 032112 EOPS constitute the EOPS of the Successor Agency.

Section 3. The City Clerk is hereby authorized and directed to post this Resolution, including the Exhibits, on the City Internet Web site.

Section 4. The Successor Agency and City may amend the EOPS from time to time at any public meeting of the City Council. Any such further amendments shall be posted to the City Internet Web site.

Section 5. The City Clerk is hereby authorized and directed to transmit a copy of this Resolution, including the Exhibits, by mail or electronic means to the County Auditor-Controller, the State Controller, and the California Department of Finance. A notification providing the Internet Web site location of the posted copy of this Resolution will suffice.

Section 6. The officers and staff of the Successor Agency and City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including providing documents associated with the EOPS to the California Department of Finance and the State Controller, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

Section 7. The Successor Agency and City hereby affirms the designation of City Manager, as the Successor Agency and City official to whom the California Department of Finance may make requests for review in connection with the EOPS.

Section 8. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency and City of any rights the Successor Agency and City may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

Section 9. The Successor Agency and City have determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately upon the adoption by the Successor Agency and City Council.

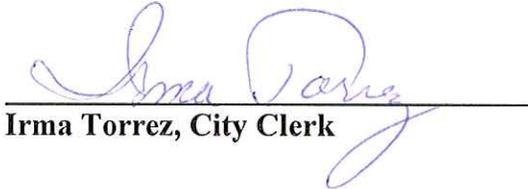
**PASSED AND ADOPTED** by the City Council at a Regular Meeting held on the 16<sup>th</sup> Day of May 2012 by the following vote.

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	<b>Larry Carr, Rich Constantine, Marilyn Librers, Steve Tate</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	<b>Gordon Siebert</b>



**Steve Tate, Mayor**

**ATTEST:**



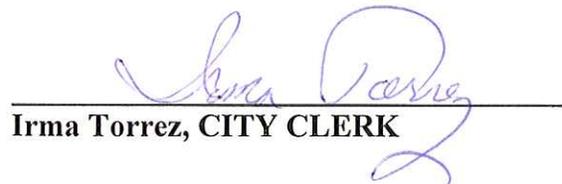
**Irma Torrez, City Clerk**

**CERTIFICATION** ☞

**I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 6518, adopted by the City Council at the meeting held on May 16, 2012.**

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** June 18, 2012



**Irma Torrez, CITY CLERK**

**EXHIBIT A**  
**AMENDED EOPS**

Name of the Implementing Agency: Morgan Hill Improvement Agency  
Name of the Project: Road 41, Old San Agustin Community Development Project Area

Item	Project Name / Sub-Category	Project Description	Total Obligated to Date / Obligation	June 2027	July	August	September	October	November	December	2022 Revised CIP
1	12001 SERVICES	Bank of New York Mellon	\$ 100,775,500	\$ 2,249,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	12002 SERVICES	Practical Elements	\$ 57,282,500	\$ 2,945,540	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,945,540
3	12003 SERVICES	Research Solutions	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
4	12004 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
5	12005 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
6	12006 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
7	12007 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
8	12008 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
9	12009 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
10	12010 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
11	12011 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
12	12012 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
13	12013 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
14	12014 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
15	12015 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
16	12016 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
17	12017 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
18	12018 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
19	12019 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
20	12020 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
21	12021 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
22	12022 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
23	12023 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
24	12024 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
25	12025 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
26	12026 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
27	12027 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
28	12028 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
29	12029 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
30	12030 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
31	12031 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
32	12032 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
33	12033 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
34	12034 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
35	12035 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
36	12036 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
37	12037 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
38	12038 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
39	12039 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
40	12040 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
41	12041 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
42	12042 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
43	12043 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
44	12044 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
45	12045 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
46	12046 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
47	12047 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
48	12048 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
49	12049 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
50	12050 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
51	12051 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
52	12052 SERVICES	Street View	\$ 15,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000

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